

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

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In re: Mortgage Foreclosure Cases  
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) Misc. No. 11-mc-88-M-LDA  
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**ORDER**

On October 24, 2012, the Special Master issued a Report & Recommendation in six individual cases (ECF No. 1361) concerning delinquent use and occupancy fees that were six months in arrears. This Court issued an order on October 26, 2012 (ECF No. 1368) requiring any party to show cause why this Court should not adopt the Report & Recommendation and dismiss the six cases for failure to comply with the prior orders requiring use and occupancy payments.

Objections were filed in each of the cases challenging the imposition of the use and occupancy fee. This Court has on a number of occasions rejected the challenge to the use and occupancy fee and does so again today. No party has set forth any reason showing why this Court should not adopt the Report & Recommendation and dismiss the cases.

In light of the above, this Court hereby dismisses the following cases for failure to comply with the Order of this Court to make the use and occupancy fee payments:

CA 11-418     Timothy Noiseux v. Flagstar Bank, FSB

CA 11-421     Dina Maccarone v. Wells Fargo Bank, N.A.

CA 11-427     Edward and Joy Stoltenberg, in claims Akalarian, et. al. v. American Home Mortgage Servicing, Inc., et. al.

CA 11-645     Lorraine Tokarski v. Deutsche Bank Trust Company Americas, et. al.

CA 11-657     Keith and Carleen Coelho v. Gateway Bank, F.S.B

CA 12-015     Todd Giroux v. America's Servicing Company, et. al.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.  
United State District Judge

November 7, 2012